

JANUARY 22, 2019

**THE DIOCESE OF SCRANTON  
INDEPENDENT SURVIVOR COMPENSATION PROGRAM (“ISCP”)**

**FREQUENTLY ASKED QUESTIONS (“FAQs”)**

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**FAQs Pertaining to the Terms and Conditions of the  
Independent Survivor Compensation Program (“ISCP”) for the Roman Catholic  
Diocese of Scranton, Pennsylvania (the “Diocese”)**

**1) What Is The Independent Survivor Compensation Program?**

The Independent Survivor Compensation Program (the “Program”) is an independent settlement program administered by Kenneth R. Feinberg and Camille Biros (the “Administrators”), two nationally recognized claims administration experts. The Program follows in the wake of numerous initiatives already implemented by the Diocese of Scranton (the “Diocese”) to address the problem of sexual abuse of minors alleged against clergy and others related to the Diocese. The Program is designed to compensate eligible victims of abuse.

The Program is independent of the Diocese. The Administrators of the Program have complete autonomy to determine eligibility of individual claims and the amount of compensation for victims that come forward with a claim. The Program will be advised by an Independent Oversight Committee comprised of Robin A. Engels, MA, MSW, LCSW, Robert Gillespie, Jr., and Ralph H. Meyer. The Oversight Committee will oversee and periodically review implementation and administration of the ISCP. Neither the Oversight Committee nor the Diocese has authority to modify or reject any individual claim determinations governing eligibility and compensation rendered by the Independent Administrators or to act as an appeal board for any Claimant.

**2) Who May File a Claim?**

The persons eligible to participate in this Program are: a) individuals who allege they were sexually abused as a minor by clergy (whether incardinated within the Diocese of Scranton or a member of a religious order serving within the Diocese of Scranton), lay teachers or employees associated with the Diocese of Scranton, or b) the Legal Representative (as defined below) of those Claimants. The following additional criteria apply:

- For new allegations first reported after November 8, 2018, the Claimant must first report the allegation of abuse in writing (with a copy submitted to the Administrators) to the appropriate District Attorney’s Office in order to participate in this Program. A finding of criminal liability by the District Attorney is not required for participating in this Program. All new allegations of abuse received through this Program will also be reported to the appropriate District Attorney by the Diocese as required by law and Diocesan policy.
- The Claimant must not have previously entered into a settlement agreement resolving the same claim of clergy sexual abuse against the Diocese and/or a member of clergy.
- The Claimant must not have previously litigated his/her claims to resolution against the Diocese or any related entities. However, a Claimant whose claims were dismissed or resolved solely on the grounds that they were barred by the Pennsylvania statute of limitations and no other basis, remains eligible to participate in the Program.

### **3) Will Filing a Claim Cost Money?**

No. There is no fee associated with filing a claim with the Program. You may, however, incur fees from professionals such as lawyers, should you choose to engage their services. The Program will not pay for or reimburse you for such fees. However, it will provide you an independent lawyer free of charge for the purpose of explaining the nature of the release.

### **4) What Proof Will I Have to Submit to Receive Compensation From The Program?**

Claimants are invited to provide documentation identified in the Claim Form, and any other corroborating information sufficient to substantiate the claim, satisfy eligibility requirements, and allow the Administrators to review, process, and evaluate the claim. This information and documentation will aid the Administrators in making a fair and accurate determination. For claims reported to the Diocese before the initiation of this Program, the documentation that victims/survivors and their medical providers previously provided to the Diocese will be provided to the Administrators.

### **5) What Types of Supporting Documentation Will Be Required to Support My Claim?**

Supporting documentation which provides evidence of the nature, frequency, location and time of the sexual abuse will assist the Administrators in confirming eligibility and evaluating your claim. Examples of the type of supporting documentation include:

- Copies of contemporaneous notification (in the form of an email, a letter or other form of communication) regarding the abuse made by the individual Claimant to friends, family, church officials, law enforcement authorities, and/or others.
- Medical or counseling records for treatment received relevant to the abuse.
- Police or other law enforcement records.

### **6) What Happens After a Claim Is Filed?**

Once your Claim Form and supporting documentation are received, the Administrators will process your claim promptly. You will receive written notice by mail of the receipt of your claim. Claims are reviewed by the Administrators on a rolling basis. Upon completion of the review of your claim by the Administrators, you will be notified either of the determination of your claim, or of deficiencies in documentation and requests for additional documentation, if necessary.

### **7) How Will Compensation Amounts Be Determined?**

The Independent Survivor Compensation Program Administrators have final decision-making authority to determine who is eligible and the amount of any Compensation. The compensation will be determined based upon the experience and judgment of Mr. Feinberg and Ms. Biros and consistent with the Protocol. In the course of administering the Program, the following steps will be taken:

- The Administrators will evaluate claims submitted with the required documentation in a prompt and fair manner.

- Any documentation previously submitted by victims or their medical providers to the Diocese in connection with claims of sexual abuse will be made available to the Administrators (upon submission of a claim to the Program) consistent with the Protocol.
- Consistent with the terms and conditions of the Protocol, any final decision rendered by the Administrators pertaining to an individual claim will be fully binding on the Diocese. The Diocese has no authority to reject any final decisions rendered by the Administrators.
- The Administrators will send each Claimant and the Diocese notification of the determination of the claim including the proposed amount of Compensation.
- Acceptance of payment from the Administrators will require the Claimant to execute a full Release of Liability.
- The Administrators of the ISCP will keep confidential all information received from all Claimants participating in the ISCP, except in connection with the processing of the claim, administering the Program, the Program-related work by the Diocese (including internal investigations), the prevention of fraud, and the protection of children under the Diocese Safe Environment Program or as required by law. As noted in the Protocol, new allegations of abuse must be reported to the appropriate District Attorney before they can be considered by the Administrators.
- There is no confidentiality requirement of any kind for Claimants participating in the ISCP, and they may share details of their experience with whomever they wish. Nothing in the Protocol or the Release the Claimant will be required to sign if they accept the awarded Compensation will preclude or limit a Claimant from reporting or discussing their claim with law enforcement or anyone else.

## 8) When Will the Program Begin?

The Independent Survivor Compensation Program is effective January 22, 2019. The Program will begin to immediately reach out to known Claimants.

## 9) When Will Claimants Receive Payment?

Claims will be handled in the order in which they are received, and the Administrators will make payments to eligible Claimants on a rolling basis as their Claims are processed.

## 10) How Will Payments Be Made?

Payments will be issued by the Program following the final processing of an eligible Claimant's Claim Form, acceptance by the Claimant of the amount of Compensation, and receipt of the Claimant's signed Release. The Program will authorize the payment, by check or electronic funds transfer (as requested by the Claimant) to each Claimant. Checks will be sent by overnight courier service. If so requested by the Claimant, the Administrators will work with the Claimant to offer alternatives to lump-sum payments, such as an annuity to have the money administered by a third party.

### **11) What About New Claims Not Previously Submitted to The Diocese?**

For new allegations, first reported after November 8, 2018, individuals will be afforded the opportunity to register on the Program website by providing their names, contact information and a summary description of the nature of their claim, including the dates and location of the abuse and name of the perpetrator. After initial review of the information provided by the registrant, these individuals who registered with the Program will be sent information pertaining to the criteria for participation in the Program. The deadline for registering a new claim of sexual abuse is July 31, 2019.

Information provided by the Registrant will be maintained as confidential as detailed in the Protocol, and will only be used for Program-related work. This includes forwarding the new claim to the local office of the District Attorney and the Diocese for review of the allegations. In addition, for any cleric currently in ministry, the Diocese will investigate the matter in accordance with its policies and procedures.

### **12) Will the ISCP Replace the Diocese's Other Efforts to Address the Effects of Clergy Abuse Upon Its Victims?**

No. The Diocese offers assistance through its Victim Assistance Program to address emotional, psychological, and pastoral needs when desired by victims/survivors of sexual abuse or their family members. The ISCP is an additional mechanism to support victims by providing monetary compensation.

### **13) What if my Claim Is Against a Lay Person or Clergy of Another Diocese or Religious Order? May I Still Register for the Program?**

Yes, so long as the abuse occurred within the Diocese of Scranton and the lay person or clergy was at the time of the abuse employed by or serving within and for the Diocese.

### **14) How Do I Apply?**

Individuals who previously reported their claim of abuse to the Diocese will be sent, via overnight delivery, a copy of the Program Protocol, the Claim Form and a copy of these FAQs. Those who have not previously reported a claim of abuse can register on the Program website: [www.ScrantonDioceseISCP.com](http://www.ScrantonDioceseISCP.com). If an individual is not contacted within two weeks of registering on the Program website and believes he/she should have received a Claim Form for the Program, the individual should email the Administrators at [ClaimantServices@ScrantonDioceseISCP.com](mailto:ClaimantServices@ScrantonDioceseISCP.com), or call 833-328-3389.

Completed Claim Forms may be sent to the Administrators via US mail or overnight courier service (using the pre-paid return envelope provided in your claim packet) to the address shown on the Claim Form. The completed Claim Forms will be reviewed by the Administrators for determinations of eligibility and Compensation. The Diocese and the Claimant will be notified of each determination made by the Administrators. The Claimant will review the offered Compensation and determine whether or not to accept that amount of Compensation.

If a Claimant chooses to accept a final payment pursuant to this Protocol, the Claimant will be required to sign a full Release of Liability of all past and future claims against any party relating to such allegations of sexual abuse. Before signing such a Release, the Claimant will be required to consult with

an attorney for the purpose of advising the Claimant concerning the binding nature, language and significance of the Release. If the Claimant does not have an attorney, the Administrators will provide an independent attorney to consult with the Claimant for this sole purpose free of charge.

**15) Are Claim Materials Available in Languages Other Than English?**

The Program documents, including the Protocol, Claim Form and these Frequently Asked Questions, will be made available in Spanish at the request of the Claimant.

**16) What If I Have Questions About The Claim Submission Process or Need Help with Completing the Claim Form?**

You can contact the Administrators by sending your message/questions via email to: [ClaimantServices@ScrantonDioceseISCP.com](mailto:ClaimantServices@ScrantonDioceseISCP.com) or by calling toll free 833-328-3389.

**17) How Will I Know If My Claim Is Missing Information Or Documents?**

You will be notified by the Administrators of any deficiency in your documentation once you have submitted your Claim Form. Please ensure that your full name, address, and other contact information appear on every communication submitted to the Program.

**18) How Can I Update Or Supplement My Claim Form?**

If you need to supplement your submission or correct or remedy a deficiency with your submission, you will be able to do so by sending the supplemental documentation to the Administrators at:

The Independent Survivor Compensation Program For the  
Diocese of Scranton  
c/o Feinberg Law Offices  
1455 Pennsylvania Avenue, NW – Suite 390  
Washington, DC 20004

The Administrators may contact you and state that your claim is deficient and must be supplemented with additional information. You will be afforded an opportunity to do so.

**19) How Long Will Victims/Survivors Be Able To Apply For Compensation?**

All Claim Forms must be completed and postmarked no later than September 30, 2019.

**20) Do Claimants Waive Their Right To Legal Action If They Accept Money From The Independent Survivor Compensation Program?**

Yes, any Claimant who chooses to accept the offered Compensation pursuant to the Program must surrender any right to go to court to sue any party relating to the alleged sexual abuse. However, nothing in the Release will limit or preclude the victim from reporting and discussing their claim with law enforcement or anyone else.

**21) What is the Independent Oversight Committee and What Is Its Role?**

The Diocese has established an Independent Oversight Committee (the “Committee”) to oversee the implementation and administration of the ISCP. The Committee members are as follows: Robin A. Engels, MA, MSW, LCSW, Robert Gillespie, Jr., and Ralph H. Meyer.

The Committee has no authority to modify or reject any individual claim determinations governing eligibility and compensation rendered by the Independent Claims Administrators, or to act as an appeal board for any Claimant. Accordingly, the Committee will not be able to override the eligibility or compensation decisions made by Administrators, and the decision of the Administrators is final.

The ISCP will provide to the Committee periodic status reports on a regular basis to confirm that the ISCP is meeting its goals. When the Oversight Committee deems it appropriate, it will report to the Diocese as to the implementation and administration of the Program.

**22) Will I Be Able to Meet in Person with a Program Representative?**

Yes. Claimants may request, at their sole option, to meet (in-person, telephonically, or by video or skype conference) with the Administrators. Such meetings are not required, but are available at the Claimant’s request. Requests to meet with the Administrators should be sent by email and will be scheduled at a mutually convenient time and location.

**23) If I Submit a Claim, Will My Information Be Kept Confidential?**

This Program is a confidential mediation program under Pennsylvania law. All of the information submitted by a Claimant and the Diocese pursuant to this Program will be used and disclosed only for purposes of this Program. This may include disclosure to the Independent Claims Administrators, Oversight Committee, Diocese and its designees (including for internal investigations), law enforcement, and/or for the protection of children under the Safe Environment Program.

To protect the privacy of Claimants that participate in the Program, one year after the conclusion of the Program all personal information provided by the Claimant during this process will be destroyed, except to the extent otherwise required by law.

Claimants may always, if they choose, share information in their possession regarding their claim, Compensation, and their experience with the Program.

**24) What About Victims/Survivors Who Do Not Want to Be Involved in the Church Anymore?**

The ISCP is independent of the Diocese. Individuals are eligible to participate in the Program regardless of their affiliation with the Church. The Diocese, through this Program, desires to help all victims/survivors to find support and healing wherever they can. The Diocese supports individuals’ efforts to find faith and hope from any denomination or source, even if not related to the Church. If a Claimant would like to receive religious or spiritual counseling services of any kind, the Diocese is available to connect such individuals to appropriate resources in their area.

**25) Other than Monetary Compensation, What is the Diocese Doing to Deter Abuse and to Assist Victims of Abuse?**

For more information regarding other steps the Diocese is taking to deter abuse and assist victims of abuse, please go to <http://www.dioceseofscranton.org/diocesan-directory/diocesan-offices/compliance-office/victim-assistance-coordinator/>.

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